

I am writing to inform you of the future work plans of the Office of Inspector General. Pursuant to Congressional direction, the OIG will perform an Assessment of the accuracy of the 1999 case statistics this spring. The Assessment is of vital importance. Your full cooperation and understanding of this process is essential to successful completion of this work and a timely report to Congress.

ATTORNEY-CLIENT PRIVILEGE

Section 509(h) of the fiscal year 1996 LSC appropriations act makes clear that, with limited exception, access must be provided to all information outlined therein. Local rules of professional responsibility do not apply to the question of access to this information, and grantees must provide access to all such information requested, except that which would be protected by the attorney-client privilege, for example, in litigation or in response to a subpoena.

In 12 audits of case statistics performed over the past two years, the OIG received complete cooperation from those audited. However, one grantee maintained that the linkage of client name and legal problem code was automatically subject to the attorney-client privilege when that information had not been provided to others, and denied auditors access to that information while on-site.

The OIG disagrees with that view. I hope you understand that the OIG, given its statutory duties, cannot accept a blanket, expansive assertion of privilege that serves to obscure oversight and deny accountability for services funded by taxpayers.

The planned Assessment is designed to permit conclusions with a high level of statistical confidence. That confidence would be weakened if there were any incidences of denial of access to information, and severe and lasting consequences could result if recipients improperly assert attorney-client privilege and prevent the OIG from completing this project as mandated by Congress.

ASSESSMENT OF 1999 DATA ACCURACY

Notwithstanding our disagreement as noted above, the OIG has designed a methodology for the Assessment of 1999 data so as to avoid the access issue in the two data calls described below. We have done so because there is no way to resolve the disagreement and meet the deadline established by Congress. Let me make clear that this methodology is not

precedent, and that OIG information needs will be determined by the objectives of each OIG activity or project undertaken.

The objective of the Assessment is to determine the accuracy of the 1999 closed case data submitted by LSC grantees. The Assessment is designed to allow a conclusion concerning the accuracy of the data on a system-wide basis, and the design will not support conclusions as to the accuracy of any specific grantee's data submission. The Assessment is limited to checking case-counting, and will not attempt to evaluate compliance with applicable laws and regulations.¹

ASSESSMENT PROCESS OVERVIEW

In the 13 audits conducted over the past two years, the OIG collected supporting data from the grantees in advance of our visit. The Assessment of 1999 data will feature two separate data collections, and an on-site phase. The OIG will issue data call 1 on or about March 1, 2000, to a group of recipients chosen at random. Data call 1 will collect case number and other data² for each closed case, but not client names. This data will be due March 10, 2000.

Data call 2 will be issued to the above grantees and additional recipients on March 6, 2000. Data call 2 will be due March 15, 2000, and will collect case number, client name, and closing date.

The information from the two data calls will be collected at separate electronic addresses, will be processed by separate teams of OIG staff, will be stored in separate, physically secure databases, and will not be commingled. The purpose of this elaborate and expensive data collection process is to ensure that the legal problem code cannot be linked to the associated client name. The concept is similar to that of a "Chinese wall" within law firms.

The final phase of the Assessment will be conducted on-site, and will cover the same group as data call 1. The Assessment will test a random sample of closed cases for the error types identified by our previous audits. Each on-site team will be lead by an OIG staff member and supported by a contract auditor. Each site review is expected to take two days or less. Site inspections will take place between April and June 2000. It is not necessary for a recipient Director to be present during our visit, only the case handlers or those who can discuss the selected cases with the Assessment team.

¹ Documentation of financial eligibility and citizenship/alien status will be reviewed in the context of case-counting.

² Case number, dates opened and closed, problem code, resolution code, case handler.

The Assessment will be presented in a single report, which is due to Congress July 30, 2000. The report will present results on a system-wide basis, and will not present data or draw conclusions as to the accuracy of data submitted by specific grantees.

FURTHER INFORMATION

The OIG has been given a very large task to perform in a relatively short period. We will be unable to grant extensions in the due dates for data submissions, and have requested that LSC management not grant extensions for submission of the case statistical data. For the same reason, we will have very limited flexibility in scheduling the on-site reviews. Notification of grantees selected for site visits will occur on or about March 1, 2000, and visit dates will be provided several weeks later.

The methods for the Assessment will be described in the near future, as will the technical details for data submission. Project information will also be available at <http://www.oig.lsc.gov/csa>. In addition, the OIG has arranged for help desk services for each of the data calls.

I hope you recognize the careful planning that has gone into this project design. I hope too that you will appreciate the importance of this project, and will lend us your support and assistance in making it successful. Thank you in advance.